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June 5, 2002

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
455 12th Street, S.W.
Washington, DC 20554

Re: Ex Parte Presentation

**In the Matter of Implementation of the Cable Television Consumer
Protection and Competition Act of 1992: Development of Competition and
Diversity in Video Programming Distribution: Section 628(c)(5) of the
Communications Act**

CS Docket No. 01-290

Dear Ms. Dortch:

On June 4, 2002, Lee Schroeder of Cablevision Systems Corporation and the undersigned met with Robert Pepper, David Sappington, and Jonathan Levy of the Office of Plans and Policy; William Johnson, Deborah Klein, and Karen Kosar of the Media Bureau; Susanna Zwerling, legal advisor to Commissioner Copps; Catherine Bohigian, legal advisor to Commissioner Martin; Stacy Robinson, legal advisor to Commissioner Abernathy; and Susan Eid, legal advisor to Chairman Powell, in connection with the above-captioned proceeding. Michael Olsen of Cablevision and Thomas Krattenmaker of Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C. joined the meeting with the Office of Plans and Policy personnel.

Consistent with Cablevision's earlier submissions in this proceeding, we suggested that applying the exclusivity ban in section 628(c)(2)(D) to contracts with EchoStar and DirecTV would not meet the "necessary" standard set out in section 628(c)(5) in light of the subscribership, growth rates, market capitalization, and financial resources of these providers. We noted that the proponents of extending the exclusivity ban had failed to provide economic

Ms. Marlene H. Dortch

June 5, 2002

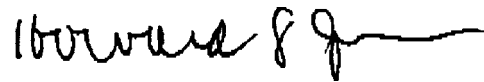
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evidence sufficient to satisfy the “necessary” standard. We pointed out that DBS subscribership has consistently increased in the New York market, where Rainbow’s Metro service is available exclusively to cable operators. In support of these points, we provided the attached material to the Commission participants in the meetings. Finally, we argued that the Commission had the authority to sunset the ban in part, to the extent it was no longer necessary.

Pursuant to sections 1.1206(b)(1) and (b)(2) of the Commission’s rules, a copy of this notice and the attachment has been filed electronically with the Secretary’s office. Copies of both have also been transmitted electronically to the Commission participants in the meeting.

Please do not hesitate to contact the undersigned should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Howard J. Symons", with a long horizontal flourish extending to the right.

Howard J. Symons

Attachment

cc: Robert Pepper
David Sappington
Jonathan Levy
William Johnson
Deborah Klein
Karen Kosar
Susanna Zwerling
Catherine Bohigian
Stacy Robinson
Susan Eid